

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

RICKNER PLLC,

Plaintiff,

-against-

FEDERAL BUREAU OF PRISONS,

Defendant.

**STIPULATION
& ORDER**

22 Civ. 9943

WHEREAS, on November 15, 2021, plaintiff Rickner PLLC (“Plaintiff”) made a request (the “Request”) pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, to defendant the Federal Bureau of Prisons (“Defendant”); and

WHEREAS, the Request sought various records relating to the events surrounding Hakeem Campbell’s (“Campbell”) death inside the United States Penitentiary in Atlanta, Georgia;

WHEREAS, in November 2022, Plaintiff filed this action challenging Defendant’s alleged failure to respond to the Request; and

WHEREAS, after the case was filed, Defendant completed processing all potentially responsive records located in its searches, and Plaintiff does not challenge Defendant’s searches;

WHEREAS, the only two outstanding issues in this case are (1) whether there are records in Defendant’s possession relating to a separation order between Hakeem Campbell and the inmate involved in the altercation that led to Campbell’s death, and (2) Plaintiff’s claim for attorneys’ fees and costs;

WHEREAS, the parties wish to resolve these issues and dispose of this matter without further litigation,

NOW, THEREFORE, it is hereby STIPULATED and AGREED between the parties as follows:

1. Within a reasonable time after the Court has endorsed and docketed this Stipulation and Order, Defendants shall provide a written response to the question of whether there are records in Defendant's possession relating to a separation order between Campbell and the inmate involved in the altercation that led to Campbell's death.
2. Within a reasonable time after the Court has endorsed and docketed this Stipulation and Order, Defendants shall pay to Plaintiff the sum of two thousand, fifty-two dollars and no cents (\$2,052.00) for attorneys' fees and litigation costs. This payment shall constitute full and final satisfaction of any claims by Plaintiff for attorneys' fees and litigation costs in this matter, and is inclusive of any interest. Payment shall be made by electronic funds transfer, and counsel for Plaintiff will provide the necessary information to counsel for the Defendants to effectuate the transfer.
3. Plaintiff releases and discharges the Defendant and the United States of America, including its agencies, departments, officers, employees, servants, and agents, from any and all claims and causes of action that Plaintiff asserted, or could have asserted, arising out of the Request.
4. This action is accordingly dismissed with prejudice and without costs or fees other than as provided in paragraph 1 of this Stipulation and Order, provided that the Court shall retain jurisdiction over any issues that might arise relating to the enforcement of this Stipulation and Order.

5. Nothing in this Stipulation and Order shall constitute an admission that the Defendant is liable for any attorneys' fees or litigation costs, or that Plaintiff "substantially prevailed" in this action under 5 U.S.C. § 552(a)(4)(E), or is entitled to or eligible for any attorneys' fees or litigation costs. Nor is it an admission that the amount here agreed upon covers all of the time that could, in Plaintiff's view be compensable as attorneys' fees and litigation costs in this action. Rather, this Stipulation and Order is entered into by the parties solely for the purpose of compromising disputed claims in this case and avoiding the expenses and risks of further litigation concerning Plaintiff's claims for attorneys' fees and litigation costs. This Stipulation and Order is non-precedential with respect to any other proceeding involving the parties, including, but not limited to, any other FOIA action or administrative proceeding, and shall have no effect or bearing on any pending or future request for records made by Plaintiff under FOIA.

6. This Stipulation and Order contains the entire agreement between the parties, and no statement, representation, promise, or agreement, oral or otherwise, between the parties or their counsel that is not included herein shall have any force or effect.

7. This Stipulation and Order may be executed in counterparts. Facsimile or pdf signatures shall constitute originals.

Date: New York, New York
April 13, 2023

RICKNER PLLC



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The Clerk of Court is respectfully directed to CLOSE this case.

SO ORDERED:



Jennifer L. Rochon
HON. JENNIFER L. ROCHON
UNITED STATES DISTRICT JUDGE

Dated: New York, New York
April 13, 2023